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SUBJECT: RECOMMENDATIONS FOR UN SPECIAL RAPPORTEUR MANFRED NOWAK'S VISIT TO CUBA

REF: GENEVA 583

HAVANA 00000619 001.3 OF 005

11. (SBU) Summary: This cable responds to an Action Request in Ref A requesting "information on specific detention facilities and/or detainees in Cuba," pertaining to the intended visit to Cuba of United Nations Special Rapporteur (SR) on torture, and other cruel, inhuman or degrading treatment or punishment (CIDT), Manfred Nowak. It also includes Post's recommendations regarding dialogue with civil society, and summarizes GOC preparations for the Special Rapporteur's mission, as well as the likelihood of GOC state security obstruction during the mission. End Summary.

DOCUMENTATION TO FACILITATE MISSION PREPARATION

12. (SBU) Post refers SR Nowak to the State Department's 2008 Human Rights Report on Cuba, which details torture and CIDT, prison and detention center conditions, arbitrary detentions, and denials of judicial due process. In addition, Post will forward to U.S. Mission Geneva copies of the following for SR Nowak:

-- letters written by prisoners to SR Nowak detailing their experience in prison;

-- schematics drawn by prisoners detailing prison cell dimensions and construction; and

-- a list of the 75 political prisoners who were detained in March 2003, including the locations of the 54 political prisoners who remain in jail.

NON-GOVERNMENTAL PRISONER ADVOCACY GROUPS IN CUBA

13. (SBU) Post urges the SR to meet with a broad swath of civil society during his mission, particularly "unofficial" or "unregistered" civil society groups. (Note: The GOC regulates NGO status, and routinely denies it to any civil society group critical of GOC practices. The GOC will disregard claims made by these groups, accusing them of being

foreign agents trying to subvert the GOC. Human rights reports by registered Cuban NGOs should consequently be viewed with skepticism, since their existence is predicated upon political support for the GOC. End Note.)

¶4. (SBU) The following civil society groups have not been registered as NGOs by the government, but do monitor prison conditions in Cuba and maintain steady contact with Cuban political and common prisoners:

-- Comision Cubana de Derechos Humanos y Reconciliacion (President: Elizardo Sanchez);

-- Consejo de Relatores de Derechos Humanos en Cuba (President: Juan Carlos Gonzalez Leyva);

-- Damas de Blanco (Spokeswoman Laura Pollan);

-- Comision Martiana de Atencion al Presidio Politico en Cuba (President: Lilvio Fernandez Luis).

(Note: Post can provide further background and contact information for all of the groups and individuals mentioned above upon request. End Note.)

DETENTION FACILITIES: SITE VISIT CONSIDERATIONS

¶5. (SBU) Post has received reports throughout 2009 that prisons are being modified in preparation for the SR's visit, to improve conditions. Reported modifications include:

-- fresh paint inside and outside of prisons;

HAVANA 00000619 002.3 OF 005

-- the distribution of additional mattresses;
-- construction of new buildings and razing of old buildings;
-- landscaping, not only around a prison but also on the highway leading up to it;
-- the construction of a "model prison" in Sancti Spiritus province in central Cuba, which can be shown to the SR in lieu of a traditional prison; and
-- substantial remodeling and construction inside prisons in order to brighten and expand hallways or waiting areas, create new visitors areas, remove a third level of concrete bunk beds from barracks-like prison cells, and install modern toilets in bathrooms which previously had squat toilets.

¶6. (SBU) Prisoners have reported that unpaid prison labor was utilized to accomplish many of the above projects. In addition, prisoners have reported that large numbers of inmates in maximum security prisons are being transferred to other detention centers or labor camps in order to reduce traditional overcrowding in the prisons. Prisoners and advocates suspect that more inmates will be transferred out of the prisons immediately before the SR's visit and "hidden" in the countryside until he completes his mission.

DETENTION FACILITIES: RECOMMENDATIONS AND NOTES

¶7. (SBU) VILLA MARISTA - Villa Marista is a state security detention center located in Havana. Former Villa Marista detainees have spoken with Post about their experiences and reported they had been subjected to psychological torture.

-- Detainees are driven around for hours by state security agents before arriving at Villa Marista, and are forced to keep their heads close to their knees throughout this time.

-- Detainees are held in small cells that contain a metal bed with no mattress. Cells are brightly lit 24 hours a day and meals are brought at irregular intervals, making it difficult for inmates to judge how long they've been in detention. Cells are either air-conditioned "like a refrigerator," or they are hot and humid, in which case interrogation rooms are extremely cold.

-- Detainees receive a thin uniform, but no other clothing or blankets.

-- Detainees may be given food and water, but report that the food is spoiled or generally inedible.

-- Detainees are interrogated frequently; one contact reported eight interrogations over two days, while another reported four interrogations a day for 12 days. Interrogators repeated the same questions constantly, threatened long prison sentences, suggested that family members had fallen ill during the detainee's stay, and otherwise attempted to break the will of detainees in order to intimidate them or gather information.

-- Psychological tactics are used not only against detainees but also against family members. A detainee was told, falsely, that his father had become very ill. During his detention, his wife received "constant" phone calls from a mysterious woman inquiring about her husband, leading the wife to believe her husband had been unfaithful.

-- Family members receive no information regarding detainees' whereabouts, and frequently spend days attempting to discover where their relatives have been taken.

¶8. (SBU) Post recommends the SR speak with Lilvio Fernandez Luis, President of the Comision Martiana de Atencion al Presidio Politico en Cuba, who was detained at Villa Marista

HAVANA 00000619 003.3 OF 005

for three days in March 2009 due to opposition activity.

¶9. (SBU) COMBINADO DEL ESTE PRISON, HAVANA PROVINCE - Combinado del Este is a maximum security prison. The most notorious area of Combinado is "Section 47," where punishment cells ("celdas de castigo") are located. Punishment cells hold four prisoners but are too small to allow all four prisoners to lie down at the same time. Prisoners are only authorized to leave punishment cells when they receive a family visit, which occurs every two to three months. During family visits, prisoners are shackled by their hands and feet.

¶10. (SBU) Post recommends the SR speak with the following Combinado del Este inmates:

-- Harold Arkalo Aramburo and Maykel Delgado Aramburo, brothers who were sentenced to life in prison, and who have been held in a punishment cell in Section 47 for the past 2-3 years

-- Enrique Diaz Silva, an opposition activist who was arrested in June 2009 but was still awaiting formal charges in October 2009.

-- Political prisoner Dr. Oscar E. Biscet, as well as the other political prisoners listed in Post's accompanying electronic documentation.

¶11. (SBU) Post also recommends the SR speak with Officer Rigueme, Chief of the Punishment Cells in Section 47, as well as with his brother, also named Officer Rigueme, Chief of Internal Order ("orden interior") for Building 1 at Combinado del Este. Both have been accused by former and current inmates of brutally beating and otherwise mistreating inmates.

¶12. (SBU) AGUICA PRISON, MATANZAS PROVINCE - Aguica is a maximum security prison. Former inmates grimly note, "it's one of the prettier prisons outside, so no one figures out how ugly it is inside." Aguica is notorious for reports of the practice called "la escalera" ("the stairs") to punish prisoners. Prison guards handcuff an inmate's hands behind his back and then lead him to the top of a flight of stairs. The guards turn the inmate so that he is facing the stairs, and then push him off, causing the inmate to topple - handcuffed - down the stairs. Guards subsequently explain the inmate's injuries by saying that "he fell."

¶13. (SBU) Post recommends the SR speak with political prisoner Hector Maseda, currently incarcerated in Aguica, as well as with his wife Laura Pollan, spokeswoman for the "Damas de Blanco," and the other political prisoners listed in accompanying documentation.

¶14. (SBU) Post also recommends the SR speak with Major Brito, also known as "El Britanico," who works at Aguica and also at Canaleta prison in Matanzas. Major "Brito" reputedly invented "la escalera."

¶15. (SBU) In addition to the above, Post also recommends that the SR visit the following maximum security prisons (location listed first):

-- Pinar del Rio Province: Prison "59," Kilo 5.5
-- Matanzas Province: Combinado del Sur, "Canaleta"
-- Isle of Youth ("Isla de Juventud"): "El Guayabo"
-- Villa Clara Province: Provincial Prison Guamajal, also known as the "Pre"
-- Cienfuegos Province: "Ariza"
-- Camaguey Province: Kilo 8
-- Sancti Spiritus Province: Nieves Morejon.

HAVANA 00000619 004.3 OF 005

¶16. (SBU) Post has received anecdotal reports of cruel or inhuman treatment at old people's homes and psychiatric hospitals on the island. Although these locations are not traditional "detention centers," occupants are generally not free to leave the centers of their own will, and represent one segment of the population that would be particularly vulnerable to cruel and inhuman treatment and unlikely to be monitored by any independent entities.

SPECIFIC PRISONERS AND/OR ADVOCATES: RECOMMENDATIONS

¶17. (SBU) ARIEL SIGLER AMAYA is a political prisoner who was arrested in March 2003 and is serving a twenty year term. According to his family, Sigler Amaya is severely ill, and has lost over forty percent of his body weight since entering prison. He has been unable to walk since September 2008. Sigler Amaya was being held at Arizas maximum security prison in Camaguey Province, but was moved between prisons and hospitals throughout 2009. Eventually, he was diagnosed with "severe malnutrition." On August 14, 2009, Sigler Amaya was reassigned to Julio Diaz Rehabilitation Hospital in Havana, where doctors have been attempting to treat him.

¶18. (SBU) DR. DARSI FERRER is a human rights activist and medical doctor who has been imprisoned without formal charge since July 21, 2009 at Valle Grande prison in Havana Province. Dr. Ferrer had organized peaceful marches along Havana's seawall every December since 2006. He was arrested for common crimes (possession of unauthorized goods and threats against a neighbor), but his detention is widely seen

as politically-motivated.

¶19. (SBU) RENE GOMEZ MANZANO is an attorney who was disbarred in 1995 for advocating legal reforms. He is also a former political prisoner. Gomez was held for more than eighteen months without charges and spent a total of 567 days in prison for participating in a protest in front of the French Embassy which he claims not to have attended. He was held at Villa Marista and at Nieves Morejon maximum security prison. Gomez cannot practice law, but he is well-versed in Cuban legal standards and reforms, and can provide an alternative to official GOC descriptions of the Cuban legal system.

¶20. (SBU) ORLANDO ZAPATA TAMAYO is being held in the Provincial Prison of Holguin, in Holguin Province. On May 15, 2009 he was sentenced in a summary trial to an additional ten years in prison for "desacato" ("contempt of law"), apparently for having shouted "Abajo Fidel" and other anti-GOC phrases.

GENERAL CONSIDERATIONS FOR THE SPECIAL RAPPORTEUR'S MISSION

¶21. (SBU) COMMENT ON COMMON AND POLITICAL PRISONERS: Although many of Post's recommendations focus on political prisoners, Post often receives reports that common prisoners live in worse conditions than political prisoners. Post urges the SR to meet with common prisoners to clarify discrepancies in prisoner treatment; Post notes that the GOC officially denies the existence of any political prisoners. Post notes that common prisoners and political prisoners are kept in the same prison cells. Common prisoners may be encouraged to attack, threaten or otherwise harass political prisoners in order to curry favor with prison officials and/or receive special benefits. During the summer of 2009, Post observed an alarming increase in detentions of opposition activists for common crimes. Activists were moved immediately to maximum security prisons, where they were held without charges. Post believes these detentions were fundamentally political in nature.

¶22. (SBU) COMMENT ON STATE SECURITY SURVEILLANCE TECHNIQUES: Post warns the SR that GOC surveillance techniques are highly sophisticated, and state-sponsored repression of free speech and free movement pervasive. Post believes the SR may face

HAVANA 00000619 005.3 OF 005

many of the same fact-finding obstacles in Cuba that he experienced during his 2005 mission to China, including surveillance by intelligence and security officials, and the likelihood that "during the visit a number of alleged victims and family members, lawyers and human rights defenders (will be) intimidated by security personnel, placed under police surveillance, instructed not to meet the SR, or (be) physically prevented from meeting with him." Many Cubans who meet with the SR will expect and fear recrimination if they report negatively on GOC practices, even if the GOC has given the SR assurances against such reprisals.

¶23. (SBU) Post notes that at the end of the SR's mission to China, he arranged a meeting with U.S. Embassy Beijing to discuss his findings. Post would welcome the opportunity to meet with the SR before he departs Cuba, either individually or in a group setting with other diplomatic missions.

¶24. (SBU) Finally, Post wishes to express its strong support for the Special Rapporteur's visit, and remains available to assist the Special Rapporteur and his team before, during, and after their visit to Cuba, as appropriate. Post is ready to provide contact information for any of the prisoners, family members, or advocates listed in this cable, upon request. Post's POC is Kathleen Duffy at 53 (7) 836-4039 and duffyk@state.gov.

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